

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

RL BB ACQUISITION, LLC,)
)
)
Plaintiff,)
)
)
v.)
)
)
BRIDGEMILL COMMONS)
DEVELOPMENT GROUP, LLC, *et al.*,)
)
)
Defendants.)
)
)

Case No. 1:11-cv-208

Judge Mattice

ORDER

On May 31, 2013, United States Magistrate Judge William Carter filed his Report and Recommendation (Doc. 115) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(a). Magistrate Judge Carter recommended that Defendants' "Motion for Leave to File a First Amended Answer" (Doc. 108) be denied. (*Id.* at 4-6).

Defendants have filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Carter's well-reasoned conclusions.

¹ Magistrate Judge Carter specifically advised Defendants that they had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. (Doc. 22 at 17 n.1); *see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985)* (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings"). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Defendant could timely file objections has now expired.

Accordingly:

- The Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(a);
- Defendants' Motion to Amend (Doc. 108) is **DENIED**;
- In light of this Order, Defendants' Motion to Dismiss (Doc. 109) is **DENIED AS MOOT**;
- The bench trial on the issue of damages in this matter is hereby **RESET** for **Tuesday, July 16, 2013**;
- The parties **SHALL NOT** file any additional, substantive pretrial motions or briefs, including, but not limited to, motions in limine.

SO ORDERED this 26th day of June, 2013.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE